UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,152	03/24/2004	Patrick L. Edson	MWS-104RCE	7394

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EXAMINER
ALVESTEFFER, STEPHEN D

ART UNIT	PAPER NUMBER
2175	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/809,152*	EDSON ET AL.
	Examiner Stephen Alvesteffer	**Art Unit** 2175	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 April 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: **(1)** an amendment, affidavit, or other evidence, which places the application in condition for allowance; **(2)** a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or **(3)** a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/WILLIAM L. BASHORE/
~~Supervisory Patent Examiner, Art Unit 2175~~

Stephen Alvesteffer
Examiner
Art Unit: 2175

Continuation of 11. does NOT place the application in condition for allowance because: Applicants assert that Johnson fails to disclose at least instructions for receiving, from the user, a plurality of configurations of the hardware device, each configuration allowing the user to edit at least one property of the hardware object. The examiner respectfully disagrees. Applicant further notes that Johnson does not allow a user to specify more than one configuration for a single hardware device. However, this is not the case. Applicant is directed to Johnson Figure 26, showing a hardware device having a plurality of configurations. In the "Channel List", "Voltage 0", "Voltage 1", "Voltage 2", "Voltage 3", and "Voltage 4" are each configurations of the single hardware device. Furthermore, under the "Device Settings" tab, "Output Voltage for Logic Low" and "Output Voltage for Logic High" are also each configurations of the single hardware device. Therefore, Johnson fully discloses receiving, from the user, a plurality of configurations (such as voltage settings) of the hardware device (such as the voltage measurement device), each configuration allowing the user to edit at least one property of the hardware object. Examiner can find no teaching in the instant specification that defines a "configuration" as being the complete set of settings required to make a hardware device operate. A "configuration" can be read as a single setting of a hardware device, each hardware device requiring a plurality of configurations to be set in order to operate.

Applicants assert that Johnson fails to disclose instructions for displaying the plurality of configurations simultaneously, wherein each configuration corresponds to a unique hardware object that represents the hardware device. The examiner respectfully disagrees. The instant specification, as best understood, teaches that each hardware device may have one or more hardware objects associated with it. Each configuration corresponds to at least one property of a hardware object. While each hardware device is understood to be a physical instrument, a hardware object that corresponds to the hardware device is implemented as a software object to represent a component of the hardware device. Johnson Figure 26 shows a plurality of configurations corresponding to a plurality of hardware objects, displayed simultaneously, that represent a measurement device.

Applicants assert that Johnson does not disclose at least the graphical interface being updated in response to a change in the hardware object or the software object. The examiner respectfully disagrees. Examiner notes that claim 30 is not directed to configuring hardware devices as in claim 1. Claim 30 is directed to the actual use of a configured measurement device. Likewise, in Johnson, when the measurement device is configured and in use, it monitors conditions at the measurement device and updates the graphical interface to alert users of the changes in the device. For example, see Johnson Figures 32A-B, showing the graphical interface being updated in response to changes in the measurement device.

Applicants assert that Johnson does not disclose a display device to display the plurality of hardware objects and the plurality of software objects and at least one configuration of one of the hardware objects or one of the software objects to a user in a single graphical interface simultaneously. The examiner respectfully disagrees. Johnson Figure 16 shows a single graphical interface displaying a selection list of hardware objects (such as "PCI-MIO-15E-1 (Dev1)"), software objects included in the list (such as Ch0-6), and at least one configuration of the objects (such as the Timing Samples and Rate). Also, Johnson Figure 28E shows a graphical interface displaying a plurality of device objects simultaneously with their configurations.

Applicants assert that Johnson does not disclose instructions for receiving, from a user, a selection of a configuration from the plurality of configurations. The examiner respectfully disagrees. Johnson makes use of dropdown boxes that contain a plurality of configurations that may be selected. For example, in Johnson Figures 19 and 20, a custom scale configuration may be selected from the "Custom Scale" dropdown box..